

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 14251US02)

In the Application of:

Sandeep Bhatia et al.

Serial No.: 10/606,478

Filed: June 26, 2003

For: BUFFER DESCRIPTOR DATA
STRUCTURE FOR
COMMUNICATION LINK
BETWEEN DECODE AND
DISPLAY PROCESSES IN MPEG
DECODERS

Examiner: Anand Shashikant Rao

Group Art Unit: 2621

Confirmation No.: 5641

Transmitted via the Office electronic filing
system December 17, 2010.

**APPLICATION FOR RECONSIDERATION OF THE
DETERMINATION OF PATENT TERM ADJUSTMENT
UNDER 35 U.S.C. 154(b)
ACCOMPANYING THE NOTICE OF ALLOWANCE
(37 CFR § 1.705)**

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

The applicant respectfully requests reconsideration of the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) (PTOL-85) accompanying the Notice of Allowance mailed September 17, 2010 ("the Decision"), to the extent indicated in the following discussion and the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR. This application for reconsideration of the Decision is being filed after the date of mailing of the Notice of Allowance and no later than the payment of the issue fee.

This application for reconsideration of the Decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the Decision includes below a statement of the facts involved in sufficient detail to allow the United States Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items.

The Applicant's calculation shows that the correct patent term adjustment should be 983 days.

The bases under § 1.702 for the adjustment are as follows.

Positive Patent Term Adjustment

Three Year Guarantee (35 USC § 154(b)(1)(B))

The USPTO calculation of the patent term adjustment under the three-year deadline for issuing a patent after its filing date was 0 days. The Applicant disagrees with this determination because the patent term adjustment on this ground should instead be 393 days, minus 0 days consumed by an appeal, for a net adjustment of 393 days.

Specifically, the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR shows that:

- the actual filing date of the application was June 26, 2003,
- the third anniversary of the actual filing date was June 26, 2006,
- the first request for continued examination of the application (RCE) under 35 USC 132(b) was filed on July 24, 2007,
- the first RCE was filed 393 days after the third anniversary of the actual filing date, which is the appropriate patent term adjustment on this ground.

Reductions in Patent Term Adjustment

Removing Overlap

- Two or more grounds of delay overlap from June 26, 2006, to November 20, 2006, totaling 147 days of delay.

This overlap has been subtracted from the patent term adjustment in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR.

Net Patent Term Adjustment

The changes requested by the Applicant to the USPTO patent term adjustment determination in the Decision are as follows:

Positive Patent Term Adjustment

- **Three Year Guarantee**
(35 USC § 154(b)(1)(B))

	Patent Term Adjustment (days)
USPTO Calculation	0
Applicant Calculation	393

Reductions in Patent Term Adjustment

- **Removing Overlap**

	Patent Term Adjustment (days)
USPTO Calculation	0
Applicant Calculation	147

Conclusion

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 983 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: December 17, 2010

By: /Mirut P. Dalal/
Mirut P. Dalal
Reg. No. 44,052
Attorney for Applicants

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street
Chicago, Illinois 60661
Telephone: (312) 775-8000

PATENT TERM ADJUSTMENT SPREADSHEET

Ser. No. 10/606,478

Docket No. 14251US02

		USPTO CALCULATION		APPLICANT'S CALCULATION	
DATE	EVENT	PTO Delay	Appl. Delay	PTO Delay	Appl. Delay
3/29/2011	Projected issue date				
9/17/2010	Mail Notice of Allowance				
9/14/2010	Issue Revision Completed				
9/14/2010	Document Verification				
9/14/2010	Notice of Allowance Data Verification Completed				
9/13/2010	Notice of Allowability				
7/2/2010	Date Forwarded to Examiner				
6/30/2010	Appeal Brief Review Complete				
6/28/2010	Appeal Brief Filed				
5/27/2010	Notice -- Defective Appeal Brief				
5/26/2010	Date Forwarded to Examiner				
5/26/2010	Appeal Brief Review Complete				
5/20/2010	Defective / Incomplete Appeal Brief Filed				
5/20/2010	Appeal Brief Filed				
3/12/2010	Mail Notice of Rescinded Abandonment				
3/12/2010	Notice of Rescinded Abandonment in TCs				

3/12/2010	Mail Miscellaneous Communication to Applicant		
3/12/2010	Miscellaneous Communication to Applicant - No Action Count		
3/5/2010	Mail Abandonment for Failure to Respond to Office Action		
3/1/2010	Aband. for Failure to Respond to O. A.		
1/20/2010	Mail Appeals conf. Proceed to BPAI		
1/16/2010	Pre-Appeals Conference Decision - Proceed to BPAI		
9/15/2009	Request for Pre-Appeal Conference Filed		
9/15/2009	Notice of Appeal Filed		62
9/15/2009	Request for Extension of Time - Granted		
7/15/2009	Three months after Office action		
4/15/2009	Mail Final Rejection (PTOL - 326)		
4/13/2009	Final Rejection		
2/11/2009	Date Forwarded to Examiner		
1/8/2009	Response after Non-Final Action		17
1/8/2009	Request for Extension of Time - Granted		

		62.00
		17.00

7/24/2007	Request for Continued Examination (RCE)		
7/24/2007	Workflow - Request for RCE - Begin		
7/10/2007	Mail Advisory Action (PTOL - 303)		
6/28/2007	Advisory Action (PTOL-303)		
6/27/2007	Date Forwarded to Examiner		
6/25/2007	RCE- AF Processed		
6/25/2007	Amendment after Final Rejection		
4/24/2007	Mail Final Rejection (PTOL - 326)		
4/20/2007	Final Rejection		
3/12/2007	Case Docketed to Examiner in GAU		
2/26/2007	Date Forwarded to Examiner		
2/20/2007	Response after Non-Final Action		
11/20/2006	Mail Non-Final Rejection	816	
11/13/2006	Non-Final Rejection		
6/26/2006	Three year date		
3/21/2006	Case Docketed to Examiner in GAU		
6/27/2005	Miscellaneous Incoming Letter		
11/4/2004	Case Docketed to Examiner in GAU		
11/4/2004	IFW TSS Processing by Tech Center Complete		

393.00	
816.00	
-147.00	

11/4/2004	Case Docketed to Examiner in GAU		
8/26/2004	14 month date		
4/1/2004	Transfer Inquiry to GAU		
9/17/2003	Application Return from OIPE		
9/17/2003	Application Return TO OIPE		
9/17/2003	Application Is Now Complete		
9/16/2003	Application Dispatched from OIPE		
9/5/2003	CASE CLASSIFIED BY OIPE		
9/5/2003	Cleared by OIPE CSR		
9/4/2003	IFW Scan & PACR Auto Security Review		
6/26/2003	Initial Exam Team nn		
		PTO (Days)	APPL (Days)
		816	79
PTA		737 Days	
>>>>>>>>>>>>>>		USPTO CALCULATION	

10/606,478 **BUFFER DESCRIPTOR DATA STRUCTURE FOR COMMUNICATION LINK** 09-24-
BETWEEN DECODE AND DISPLAY PROCESSES IN MPEG DECODERS 2010::15:10:26

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/606,478

Filing or 371(c) Date:	06-26-2003	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	816
A Delays:	816	PTO Manual Adjustments:	0
B Delays:	0	Applicant Delays:	79
C Delays:	0	Total PTA Adjustments:	737

Patent Term Adjustment History Explanation Of Calculations

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
88	09-17-2010	Mail Notice of Allowance			61
87	09-14-2010	Issue Revision Completed			0
86	09-14-2010	Document Verification			0
85	09-14-2010	Notice of Allowance Data Verification Completed			0
84	09-13-2010	Notice of Allowability			0
82	07-02-2010	Date Forwarded to Examiner			0
81	06-28-2010	Appeal Brief Filed			0
80	06-30-2010	Appeal Brief Review Complete			0
79	05-27-2010	Notice -- Defective Appeal Brief			0
78	05-26-2010	Date Forwarded to Examiner			0
77.1	05-20-2010	Defective / Incomplete Appeal Brief Filed			0
77	05-20-2010	Appeal Brief Filed			0
76	05-26-2010	Appeal Brief Review Complete			0
75	03-12-2010	Mail Notice of Rescinded Abandonment			0
74	03-12-2010	Notice of Rescinded Abandonment in TCs			0
73	03-12-2010	Mail Miscellaneous Communication to Applicant			0
72	03-12-2010	Miscellaneous Communication to Applicant - No Action Count			0
69	03-05-2010	Mail Abandonment for Failure to Respond to Office Action			0

68	03-01-2010	Aband. for Failure to Respond to O. A.		0
64	01-20-2010	Mail Appeals conf. Proceed to BPAI		0
63	01-16-2010	Pre-Appeals Conference Decision - Proceed to BPAI		0
62	09-15-2009	Request for Pre-Appeal Conference Filed		0
61	09-15-2009	Notice of Appeal Filed	62	59
60	09-15-2009	Request for Extension of Time - Granted		0
59	04-15-2009	Mail Final Rejection (PTOL - 326)		0
58	04-13-2009	Final Rejection		0
54	02-11-2009	Date Forwarded to Examiner		0
53	01-08-2009	Response after Non-Final Action	17	51
52	01-08-2009	Request for Extension of Time - Granted		0
51	09-22-2008	Mail Non-Final Rejection		0
50	09-22-2008	Non-Final Rejection		0
46	07-18-2008	Date Forwarded to Examiner		0
45	07-01-2008	Amendment Submitted/Entered with Filing of CPA/RCE		0
44	07-18-2008	Date Forwarded to Examiner		0
43	07-01-2008	Request for Continued Examination (RCE)		0
42	07-18-2008	Disposal for a RCE / CPA / R129		0
41	07-01-2008	Workflow - Request for RCE - Begin		0
40	04-01-2008	Mail Final Rejection (PTOL - 326)		0
39	03-29-2008	Final Rejection		0
35	01-25-2008	Date Forwarded to Examiner		0
34	01-03-2008	Response after Non-Final Action		0
33	10-03-2007	Mail Non-Final Rejection		0
32	09-28-2007	Non-Final Rejection		0

31	07-27-2007	Date Forwarded to Examiner		0
30	06-25-2007	RCE- AF Processed		0
29	07-27-2007	Date Forwarded to Examiner		0
28	07-24-2007	Request for Continued Examination (RCE)		0
27	07-27-2007	Disposal for a RCE / CPA / R129		0
26	07-24-2007	Workflow - Request for RCE - Begin		0
25	07-10-2007	Mail Advisory Action (PTOL - 303)		0
24	06-28-2007	Advisory Action (PTOL-303)		0
23	06-27-2007	Date Forwarded to Examiner		0
22	06-25-2007	Amendment after Final Rejection		0
21	04-24-2007	Mail Final Rejection (PTOL - 326)		0
20	04-20-2007	Final Rejection		0
19	03-12-2007	Case Docketed to Examiner in GAU		0
18	02-26-2007	Date Forwarded to Examiner		0
17	02-20-2007	Response after Non-Final Action		0
16	11-20-2006	Mail Non-Final Rejection	816	-1
15	11-13-2006	Non-Final Rejection		0
14	03-21-2006	Case Docketed to Examiner in GAU		0
13	06-27-2005	Miscellaneous Incoming Letter		0
12	11-04-2004	Case Docketed to Examiner in GAU		0
11	11-04-2004	IFW TSS Processing by Tech Center Complete		0
10	11-04-2004	Case Docketed to Examiner in GAU		0
9	04-01-2004	Transfer Inquiry to GAU		0
8	09-17-2003	Application Return from OIPE		0
7	09-17-	Application Return TO OIPE		0

	2003		
6	09-16-2003	Application Dispatched from OIPE	0
5	09-17-2003	Application Is Now Complete	0
4	09-05-2003	CASE CLASSIFIED BY OIPE	0
3	09-05-2003	Cleared by OIPE CSR	0
2	09-04-2003	IFW Scan & PACR Auto Security Review	0
1	06-26-2003	Initial Exam Team nn	0

Close Window